

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

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| IN THE MATTER OF IPUC RESPONSE TO |) | |
| FCC ORDER ON REVIEW OF SECTION 251 |) | NOTICE OF STATE |
| UNBUNDLING OBLIGATIONS OF |) | PROCEEDING |
| INCUMBENT LOCAL EXCHANGE |) | |
| CARRIERS (CC DOCKET NO. 01-338) |) | NOTICE OF RIGHT TO |
| |) | INTERVENE |
| |) | |
| <hr/> 90-DAY REVIEW ON SWITCHING ON |) | |
| HIGH CAPACITY LOOPS |) | CASE NO. GNR-T-03-22 |
| |) | |
| <hr/> NINE-MONTH REVIEW ON ECONOMIC |) | |
| AND OPERATIONAL IMPAIRMENT |) | CASE NO. GNR-T-03-23 |
| REGARDING ACCESS TO SPECIFIC UNES |) | |
| |) | |

YOU ARE HEREBY NOTIFIED that Section 251(c)(3) of the 1996 Telecommunications Act requires telephone companies that are incumbent local exchange carriers (ILECs) to provide to other telecommunications carriers "non-discriminatory access to network elements on an unbundled basis at any technically feasible point on rates, terms, and conditions that are just, reasonable, and non-discriminatory." 47 U.S.C. § 251(c)(3). Paragraph (d) of Section 251 requires the Federal Telecommunications Commission (FCC) to establish regulations to implement the access to unbundled network elements (UNE) requirements. In determining access standards, the FCC is to consider, at a minimum, "whether the failure to provide access to such network elements would impair the ability of the telecommunications carrier seeking access to provide the services that it seeks to offer." 47 U.S.C. § 251(d)(2)(B). The FCC recently adopted new rules for network unbundling obligations, which require in part that state utility commissions take an active part in determining whether access to particular network elements, if denied, would impair the ability of competitive carriers to provide services. *See* Report and Order and Further Notice of Proposed Rulemaking, Order No. FCC 03-36, CC Docket No. 01-338 ("Triennial Review Order"). The Commission has determined to open two dockets, Case No. GNR-T-03-22 and Case No. GNR-T-03-23, to obtain information on whether access to specific UNEs is necessary to enable carriers to provide services to their customers.

YOU ARE FURTHER NOTIFIED that the FCC determined in its Triennial Review Order that switching for business customers served by high capacity loops such as DS-1 need not

be unbundled, based on the FCC's presumptive finding that a competing carrier's ability to provide services is not impaired without access to switching on high capacity loops. The FCC provided for the states to determine within 90 days whether its presumption of no impairment is appropriate for the telecommunications market in the particular state. The Commission accordingly opens Case No. GNR-T-03-22 to review within 90 days whether the FCC determination that access to switching for high capacity loops such as DS-1, if not available as a UNE from an ILEC, would impair the ability of other carriers to provide services.

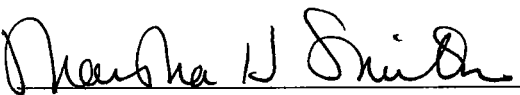
YOU ARE FURTHER NOTIFIED that the FCC determined in its Triennial Review Order that states should apply specific criteria established by the FCC to determine whether economic and operational impairment exist regarding (i) switching for mass market customers, (ii) access to DS-1, DS-3 and dark fiber, and (iii) enhanced extended loops (EELs). The FCC required such state proceedings to be completed within nine months. The Commission accordingly opens Case No. GNR-T-03-23 for the purposes of reviewing, based on the criteria established by the FCC in its Triennial Review Order, whether economic and operational impairment exists in particular markets in Idaho. The Commission intends to conclude Case No. GNR-T-03-23 within nine months.


YOU ARE FURTHER NOTIFIED that persons desiring to intervene in either Case No. GNR-T-03-22 or Case No. GNR-T-03-23 for the purpose of presenting evidence or cross-examining witnesses at hearing must file a Petition to Intervene with the Commission pursuant to this Commission's Rules of Procedure 72 and 73, IDAPA 31.01.01.072 and -.073. Persons intending to participate at a hearing must file a Petition to Intervene on or before June 27, 2003. Please specify in the Petition whether intervention is sought in Case No. GNR-T-03-22 (the 90-day review) or Case No. GNR-T-02-23 (the nine-month review), or both. Persons desiring to present written comments without parties' rights of participation and cross-examination are not required to intervene and may present their comments without prior notification to the Commission or the parties.

YOU ARE FURTHER NOTIFIED that all hearings will be conducted pursuant to the Rules of Procedure adopted by the Idaho Public Utilities Commission. IDAPA 31.01.01.000 *et seq.*

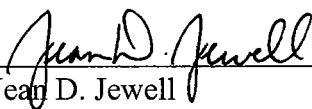
DATED at Boise, Idaho this 17th day of June 2003.


PAUL KJELLANDER, PRESIDENT


MARSHA H. SMITH, COMMISSIONER


DENNIS S. HANSEN, COMMISSIONER

ATTEST:


Jean D. Jewell
Commission Secretary

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